

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

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| IN RE: ZOSTAVAX (ZOSTER VACCINE | : | MDL NO. 2848 |
| LIVE) PRODUCTS LIABILITY | : | |
| LITIGATION | : | |
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| THIS DOCUMENT RELATES TO: | : | CIVIL ACTION NO. 18-md-2848 |
| ALL CASES | : | |
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PRETRIAL ORDER NO. 340

AND NOW, this 23rd day of December, 2020, for the reasons set forth in the foregoing Memorandum, it is hereby ORDERED that the October 26, 2020 letter motion of the Plaintiffs' Executive Committee ("PEC") to compel defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp. (together, "Merck") to produce 43 documents over which they claimed attorney-client privilege is GRANTED in part and DENIED in part.

(2) The motion is DENIED as moot with respect to Documents Nos. 707, 708, 709, 710, 714, 783, 832, 833, 836, 847, 1417, 1517, 1559, 1568, 2483, 2691, 2748, 2749, 2750, 2751, and 2752, all of which Merck has agreed to produce without redaction.

(2) The motion is DENIED insofar as it concerns some of the redactions of Merck to the e-mail contained in Document No. 782 sent by English Dupree Willis on September 3, 2010 at 2:28 p.m. Merck may redact only the paragraph in the e-mail

which begins "Rob . . ." and ends "consider." Merck shall serve Document No. 782 on the PEC without further redactions on or before December 31, 2020.

(2) The motion to compel is otherwise GRANTED. Merck, on or before December 31, 2020, shall serve on the PEC without redaction Documents Nos. 696, 697, 699, 700, 701, 702, 703, 704, 705, 706, 711, 712, 713, 715, 716, 827, 849, 1510, 1567, 2210, and 2219.

BY THE COURT:

/s/ Harvey Bartle III

J.